



Legislative Bulletin.....September 24, 2003

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H.R. 2557—Water Resources Development Act of 2003

H.R. 2557—Water Resources Development Act of 2003 (Young of Alaska)

Order of Business: The bill is scheduled for consideration on Wednesday, September 24th, under a structured rule. The rule provides for one hour of general debate and makes in order three amendments, described below.

Summary: H.R. 2557 authorizes Corps of Engineers projects under the Water Resources Development Act (WRDA). Major provisions of the bill are as follows:

- Extends the authority of the Secretary of the Army to offer an alternative annual pass to users of recreation facilities at water resources projects of the Corps of Engineers to December 31, 2004 (currently expires December 31, 2003).
- Changes non-federal cost sharing for deep draft harbor navigation projects to 35 percent (down from 60 percent) for the portion of the project where the depth is between 45 feet and 53 feet.
- Increases the authorization for the National Shoreline Erosion Control Development and Demonstration Program from \$21 million to \$31 million.
- Authorizes a new \$30 million program for the Secretary to provide assistance to state and local governments for remediation, environmental restoration, or reuse of areas where such projects will improve water quality or conservation.
- Provides that for projects where there is an increase in the maximum amount of federal funds authorized or in the total cost, cost-sharing requirements are not affected.
- Permanently authorizes the Corps to retain and spend annual recreation fees collected in excess of \$34 million (this authorization expired at the end of fiscal year 2002).
- Authorizes two land conveyances in Kansas and Oregon.
- Withdraws authorization for 30 projects.
- Project streamlining: authorizes the Corps to coordinate the environmental review activities of the federal, state, and local agencies and Indian tribes with jurisdiction over a project. The Corps must establish a process to have the reviews and permit such reviews to be conducted concurrently (to the maximum extent practicable) and completed within a time frame established by the Secretary of the Army in cooperation with other agencies.

- Requires independent peer review of Corps projects that have an estimated cost of more than \$50 million, with the ability of the Chief of Engineers to exclude certain projects or include projects below the threshold that are controversial. Reviews are limited to 180 days and a cost of \$500,000, unless waived by the Chief of Engineers.
- Changes to the Corps planning process include:
 - (1) permits the consideration of both economic and ecosystem restoration benefits of projects during analysis and the selection of the alternative to be pursued;
 - (2) allows for the study and recommendation of additional economic or ecosystem restoration benefits for projects with a different primary purpose; and
 - (3) increases the scope of the benefit-cost analysis of flood damage reduction activities to include residual risk of flooding following project completion, upstream or downstream impacts of the project, and an equitable comparison of structural and nonstructural alternatives.

In total, the bill authorizes or modifies 284 flood protection and storm damage reduction, navigation, environmental and aquatic ecosystem restoration, and shoreline and streambank protection projects, as well as 28 studies, for a total authorization of \$2.718 billion.

Additional Background: WRDA is generally authorized every two years. The last authorization occurred in 2000 (P.L. 106-541), with a total cost of \$1.6 billion over five years (plus an additional \$2.5 billion over the following ten years), as estimated by the Congressional Budget Office on August 18, 2000.

According to the Congressional Research Service, the current Army Corps of Engineers backlog of authorized (under WRDA) but unfunded projects is estimated at 500.

Amendments Made in Order:

Young of Alaska #6 Manager's Amendment (20 minutes):

- Makes technical and conforming changes to project-related provisions and authorizes additional projects, as follows:
 - Tanque Verde Creek, Arizona, project for environmental restoration (\$3.17 million federal share);
 - Peroria Riverfront, Illinois, project for environmental restoration (\$9.87 million federal share);
 - South River, New Jersey, project for hurricane and storm damage reduction (\$67.12 million federal share);
 - Bel Marin Keys Unit V, California, project for environmental restoration (\$100.20 million federal share);
 - Imperial Beach, California, project for storm damage reduction (\$7.63 million federal share);
 - Gwynns Falls, Maryland, project for ecosystem restoration (\$14.66 million federal share);

- Manasquan to Barneget Inlets, New Jersey, project for hurricane and storm damage reduction (\$39.42 million federal share);
- Centralia, Chehalis River, Washington, project for flood damage reduction (\$56.47 million federal share); and
- Jacksonville Harbor, Florida, project for navigation (\$9.64 million in new federal spending on existing project).
- Authorizes \$5.0 million for the University of Tennessee at Knoxville to establish and operate the Southeastern Water Resources Institute to study sustainable development and the use of water resources in the southeastern United States.
- Authorizes \$5.0 million for the Lewis and Clark Community College in Illinois for the Great Rivers National Research and Education Center for the study of river ecology, developing watershed and river management strategies, and educating students and the public on river issues.
- Establishes a new \$40.0 million federal assistance program for Placer and El Dorado Counties, California.
- Authorizes \$40.0 million for San Pablo and Suisun Bay Marsh Watershed Critical Restoration Projects.
- Establishes a new \$25.0 million program to provide environmental assistance to non-federal interests in the Upper Klamath Basin, California.
- Establishes a new \$40.0 million federal program to provide environmental assistance to non-federal interests in Southwest Illinois.
- Establishes a new \$40.0 million federal program to provide environmental assistance to non-federal interests in East Tennessee.
- Authorizes and modifies the authorization levels of dozens of additional projects (most new projects are authorized at between \$20.0 million and \$35.0 million).
- Expresses a sense of Congress that, to the extent practicable, all equipment and products purchased with funds made available under this legislation should be American made.
- Deauthorizes portions of two navigation projects.
- Authorizes four Corps of Engineers studies.

Kind #3 (20 minutes): Requires the Corps to (1) fully mitigate habitat lost from the construction of Corps projects by replacing at a minimum, each acre of damaged habitat with an equivalent or superior acre of habitat; (2) complete at least 50 percent of mitigation before construction begins, with the remainder to be completed when project construction is complete (except for those limited instances where it is not physically possible); and (3) prepare detailed mitigation plans that have a high likelihood of successfully replacing lost values and that require monitoring to ensure success.

Rohrabacher #1 (20 minutes): Amends language which permits ports to collect tonnage fees for local harbor purposes, by permitting such fees to be collected on a per container basis and permitting the funds collected to be used for security purposes or for infrastructure projects within or outside the harbor that are for transportation to, from, or through the harbor.

Committee Action: On July 17, 2003, the Subcommittee on Water Resources and Environment marked up H.R. 2557, approved by voice vote a manager's amendment, and

reported the bill, as amended, favorably to the Full Committee by voice vote. The Transportation and Infrastructure Committee considered the bill on July 23, 2003, and adopted by voice vote a manager's amendment. The Committee ordered the bill, as amended, favorably reported to the House by voice vote.

Cost to Taxpayers: CBO estimates that H.R. 2557 would cost about \$2.6 billion over the 2004-2008 period and an additional \$2.1 billion over the 10 years after 2008. CBO also estimates that the bill will increase direct spending by \$17 million over the 2004-2008 period and by \$32 million over the 2004-2013 period.

Does the Bill Create New Federal Programs or Rules?: Yes, the bill authorizes several new programs as described above.

Constitutional Authority: The Transportation and Infrastructure Committee, in House Report 108-, cites Article I, Section 8, but does not cite a specific clause.

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